CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.460
24 March 1970
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND SIXTIETH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 24 March 1970, at 10.30 a.m.

Chairman: Mr. G. IGNATIEFF (Canada)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

GE.70-4823
70-35303

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. V.E. BERASATEGUI
Brazil:	Mr. R.E. SARAIVA GUERREIRO
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U MAUNG MAUNG GYI
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. J. PETRAN
	Mr. I. SARKADI
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. I. ABE
	Mr. S. YAMADA
	Mr. H. OTSUKA
	Mr. J. SAKAMOTO
Mexico:	Mr. M. TELLO
Mongolia:	Mr. M. DUGERSUREN
	Mr. D. ERDEMBILEG
Morocco:	Mr. M.A.A. KHATTABI
Netherlands:	Mr. E. BOS
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
	Mr. T.O. HYDER
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. I. DATCU
	Mr. O. IONESCO
	Mr. V. PARASCHIV
	Mr. C. GEORGESCO
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN

Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. V.V. SHOUSTOV
	Mr. L.A. MASTERKOV
	Mr. V.B. TOULINOV
United Arab Republic:	Mr. O. SIRRY
	Mr. E.S. EL REEDY
	Mr. Y. RIZK
	Mr. M. ISMAIL
United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. J.T. MASEFIELD
United States of America:	Mr. J.F. LEONARD
	Mr. A.R. DAY
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Canada): I declare open the 460th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. ABE (Japan): The subject which I would like to deal with this morning is related to the draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof. Since the basic views of my Government on this matter have already been expressed in the statements of the Japanese representatives on previous occasions, I do not wish to take up your time by repeating them. This morning I should like to submit some concrete observations on the co-Chairmen's draft treaty (CCD/269/Rev.1) as well as on the working papers presented by a number of delegations, in the hope that this will expedite the work of the Committee in finalizing as soon as possible the draft treaty before us.

3. The first question, which was raised by the Swedish delegation (CCD/271) with regard to the co-Chairmen's draft treaty, was that a provision similar to the third preambular paragraph should also be inserted in the operative part of the draft treaty. The Japanese delegation has welcomed all along the said preambular paragraph in the belief that the conclusion of this treaty should not mean the end of our efforts for the realization of the prohibition of an arms race on the sea-bed and ocean floor. Accordingly we are prepared to support the insertion of a similar provision in the operative part of the treaty if the Committee so wishes; although we fully appreciate the significance of keeping this provision in the preamble.

4. The second question concerns the geographical area to be covered by the treaty. The relevant articles are articles I and II of the draft treaty. Several delegations have expressed their view that the provisions in this regard in the draft treaty should be drafted in such a direct manner as to make it clear that the undertakings in the treaty shall apply beyond twelve miles from the coast of a State. The draft treaty has also been criticized for not explicitly mentioning that distance instead of referring to the provisions of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.[1/] The working paper submitted by the Argentine

---

1/ United Nations Treaty Series, vol. 516, pp.205 et seq.

(Mr. Abe, Japan)

delegation to the General Assembly last year (A/C.1/997) was, we understand, the result of its efforts to find a formula acceptable to us all.

5. The Japanese delegation appreciates the wishes of those countries to bring more clarity into the language of the treaty or to avoid the reference to the Convention, which has no direct bearing on the draft treaty with which we are now dealing. We believe, however, that in any attempt to improve the present text the most careful attention must be paid to the question of the base-lines from which the distance of twelve miles is to be measured. It is a well-known fact that one of the problems which required our Committee's most strenuous efforts last year was how to find the most suitable wording for the provisions of articles I and II while leaving no loopholes with regard to the question of base-lines. Taking this into consideration, we feel that the provisions of articles I and II as they stand in the present draft treaty are acceptable to our delegation. But if the Committee prefers the formula contained in the Argentine working paper to which I have just referred, we are prepared to go along with it.

6. The third question is connected with article III, dealing with verification procedures. On this we have a working paper submitted by the Canadian delegation to the last session of the General Assembly (A/C.1/992). On some specific points in the Canadian paper the Japanese delegation wishes to present the following observations.

7. The first observation relates to paragraphs (1) and (6) of the Canadian paper. As regards the words "the right to verify" in paragraph (1), we understand that such a right, if indeed we call it a right, should mean something more than mere freedom to observe. In other words, this paragraph should purport to set forth the general right of each State party for the purpose of verification of the observance of obligations under the treaty in accordance with the conditions and procedures laid down in the subsequent paragraphs of the Canadian paper.

8. The first step in such verification should naturally be "observation", as provided for in paragraph (1), but this by no means constitutes the whole right to verify. Therefore the language of this paragraph could be reworded so as to reflect the foregoing concept of verification. With respect to the relationship between certain existing rights under international law and the verification activities to

(Mr. Abe, Japan)

be agreed upon under this treaty, it seems somewhat odd to single out in paragraph (6) the rights of a coastal State with regard to the natural resources of its continental shelf as if other existing rights need not be respected in relation to paragraphs (2) to (5). We should like to suggest that, in order to avoid such misunderstanding, paragraph (6) and the final part of paragraph (1) be combined, with an additional specific reference to the freedom of the high seas.

9. In the light of what I have just observed, I venture to suggest tentatively the following new wording for paragraphs (1) and (6) of the Canadian working paper. My suggestion is of course not meant to change the substance of those paragraphs.

10. Paragraph (1) of the Canadian paper might be reworded as follows:

"In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State party shall have the right to verify the activities of other States parties to the Treaty on the Sea-Bed and the Ocean Floor and in the Subsoil thereof beyond the zone referred to in article I in accordance with the conditions and procedures laid down in the following paragraphs."

11. Here a new paragraph would be inserted as paragraph (2), as follows:

"Such right of verification shall be exercised through observation in the first instance."

12. Paragraph (6) of the Canadian working paper would be modified as follows:

"All verification activities conducted pursuant to the Treaty shall be carried out in such a manner as not to interfere with activities of other States parties to the Treaty as referred to in paragraph (1) of this article, nor to infringe rights recognized under international law including the freedom of the high seas, and shall be conducted with due regard for the sovereign or exclusive rights of a coastal State with respect to the natural resources of the continental shelf recognized under international law."

13. My second observation concerns paragraphs (3) and (5) of the Canadian paper. With regard to these paragraphs I wish to recall the view of many delegations to the effect that the verification procedures should not be based solely on the good will of the super-Powers and that the principle of some kind of international verification should be reflected in the treaty.

(Mr. Abe, Japan)

14. For example, the Canadian representative stated on 18 November last year in the First Committee of the General Assembly:

> "...verification procedures must be devised which would guarantee the legal right of all States party to the treaty to initiate the verification process and to obtain assistance, if necessary through appeal to an international organization, and not have to rely solely on the good will of the two nuclear Powers" (A/C.1/PV.1692, provisional, p.61).

The representative of Argentina stated on 20 November last year in the First Committee:

> "I refer to Article III of the draft which deals with the verification procedure. In this aspect the provisions of the Treaty are inexplicably vague in our view. They are an exception to the usually accepted norm that any disarmament measure or any measure of 'no-armaments' must be accompanied by a system of strict international control." (A/C.1/PV.1695, provisional, p.16).

The representative of India stated on 1 December last, in the same Committee, that "the principle of some kind of international verification on the sea-bed is essentially sound and should be reflected in the treaty". (A/C.1/PV.1706, provisional, p.27).

15. These views do indeed touch upon one of the basic aspects of the question of verification and, that being so, are worthy of the Committee's most serious attention. We ourselves have given deep thought to them and have come to the conclusion that the Canadian formula, as contained in paragraphs 3 and 5 of the working paper, does perhaps reflect those views as much as the present circumstances permit and thus represents the most practicable solution at this stage. All in all, if we take into consideration the enormous difficulties involved in the process of verification in the extraordinary environment of the sea-bed and the ocean floor, and also the present level of technology available for conducting such verification, we can see that it would be extremely difficult to work out more stringent verification procedures than those provided for in the Canadian paper.

16. In this connexion we should like to emphasize that the question of verification should be one of the most important subjects of examination at the time of review of the treaty as envisaged in article V of the draft text.

(Mr. Abe, Japan)

17. In the light of and subject to what I have stated, the contents of the Canadian working paper seem to be generally acceptable to our delegation; and here we should like to express our deep appreciation of the valuable contribution made by the Canadian delegation.

18. Let me now turn to the question of safeguarding the rights of coastal States with regard to continental shelves. While appreciating the concern of some delegations, in particular the delegation of Brazil, my delegation wishes to emphasize that in drawing up the present draft treaty we have based ourselves on the premise that that treaty, the primary purpose of which is limited to the prevention of an arms race on the sea-bed and the ocean floor, should not prejudice in any way the position of any State with respect to rights or claims relating to waters off its coasts or to the sea-bed and the ocean floor. That is clearly reflected in the provisions of article II, paragraph 2, of the co-Chairmen's draft treaty and in the proposed article IV of the Argentine working paper. Moreover, article III, paragraph 1, of the draft treaty expressly states that the States parties shall have the right to verify the activities of other States parties "without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas". (CCD/269/Rev.1.) Furthermore, if the Committee accepts the Canadian version of article III contained in the working paper to which I have just referred, we find in paragraph (6) an additional clause safeguarding the rights of a coastal State in relation to continental shelves.

19. We are convinced that all these provisions should amply cover and take care of the concern of certain delegations regarding the question of protection of their rights.

20. As to the working paper presented by the Mexican delegation (A/C.1/995), in our view that working paper contains some basic legal problems which are now receiving our careful study. We should like to reserve the right to comment on them, if necessary, at a later stage.

21. The CHAIRMAN (Canada): I should like to thank Mr. Abe for his reference to the Canadian delegation and to say that he is too modest about the contribution of the Japanese delegation. If no other member of the Committee wishes to speak, I should like now to make a statement in my capacity as representative of Canada.

(The Chairman, Canada)

22. In my opening statement at this session I indicated that in the opinion of the Canadian delegation the Conference should give priority during this session to completion of the sea-bed arms control treaty and the question of the elimination of chemical and biological methods of warfare (CCD/PV.453, para.59). I made that suggestion partly because discussion of those two topics would be a logical extension of the work begun on them at our 1969 session, and partly because the last United Nations General Assembly provided specific mandates to the Committee on both topics.

23. This morning I should like to make some remarks on the problem of the elimination of chemical and biological warfare. As an agreed basis for commencing our discussions we have resolution 2603 B (XXIV) (CCD/275), which inter alia recommends to us the report of the Secretary-General (A/7575/Rev.1) and takes note of the United Kingdom draft convention on biological methods of warfare (ENDC/255/Rev.1) and the draft convention on the prohibition of the development, production and stockpiling of both chemical and biological weapons and on the destruction of such weapons submitted to the United Nations General Assembly by nine socialist countries (A/7655). The resolution also requests us to give urgent consideration to reaching agreement on the prohibitions contained in the United Kingdom and socialist drafts, and to submit a progress report on all -- I repeat, all -- aspects of the problem of the elimination of chemical and biological weapons to the next session of the General Assembly.

24. In my view, therefore, we should approach this problem by trying to consolidate, in the first instance, the common ground which I believe exists as a result of (a) our discussions in the United Nations General Assembly and (b) the relevant reports available to us, as well as by the recognition of the constraints already in existence on the use of those weapons. Once we have taken stock of where we are now we can then, I hope fairly rapidly, move to clarify what our objectives should be in developing further necessary restrictions on chemical and biological weapons, in particular delineating the areas where immediate progress is possible as well as those areas where further consideration will be required if obstacles are to be removed.

(The Chairman, Canada)

25. Now, following that approach, I should like to review briefly the basic elements of the foundation, as we see it in the Canadian delegation, upon which we should be able to construct concrete measures whose purpose shall be the complete elimination of chemical and biological weapons.

26. First and foremost we have the 1925 Geneva Protocol (A/7575/Rev.1, annex VI). Despite its age and the extensive scientific developments in chemical and biological warfare which have taken place since it was concluded, no one, I believe, has contended that that instrument is obsolete. Its effectiveness is evidenced by the fact that since it was drawn up the world has been virtually free of gas warfare as it was used in the First World War; although of course the fear of retaliation may have contributed to that absence in some instances. Nevertheless I think we can say that the Geneva Protocol has been effective in banning the "first use" of chemical and biological weapons. Our task then is to strengthen and supplement this Protocol by the conclusion of measures to eliminate any development, production and stockpiling of chemical and biological weapons.

27. Next we have the three reports of the experts, which have all been prepared within the past year. I refer to the report of the Secretary-General which was recommended to us for our attention by the last United Nations General Assembly, the recent report on health effects drawn up by experts appointed by the World Health Organization[1/], and lastly the first three parts of a report prepared in Stockholm by the Stockholm International Peace Research Institute (SIPRI)[2/], for which we are duly grateful and which we think will be of exceptional value to the Committee, particularly in our discussion of possible methods of verifying a CBW ban. All those reports should assist us in defining the problems and clarifying the characteristics of the systems with which we shall be dealing.

28. Finally, the Conference has, as I mentioned before, two draft conventions -- the United Kingdom draft convention banning biological methods of warfare and the draft convention submitted by the socialist countries on the prohibition of chemical and biological methods of warfare and the destruction of those weapons.

1/ Health Aspects of Chemical and Biological Weapons, Report of a WHO Group of Consultants, Geneva, 1970.

2/ The Problem of Chemical and Biological Warfare.

(The Chairman, Canada)

29. I believe it is important to recognize that no one at this Conference has contended that the consideration of the various documents of the Assembly resolution governing our work should be separated. I pointed out in my general statement (CCD/PV.453, para.61) that in supporting the United Kingdom draft convention I also had in mind the statement of Lord Chalfont (CCD/PV.451, para.18) that he was willing to fall in with the wishes of the majority if that majority wished to discuss the prospects for progress in both chemical and biological warfare together. Moreover, the United Kingdom draft contains a number of important points. Notable among them is the care with which the definition of the agents to be prohibited has been drawn up and the complaints procedure provided for the purposes of verifying compliance with the convention. On the other hand, the draft presented by the socialist countries has the advantage of dealing with both chemical and biological weapons. Unfortunately it also has some defects. Certain other speakers have referred to the vagueness with which chemical and biological weapons are referred to in the draft of the socialist delegations.

30. Those comments lead directly, we think, to the necessity to differentiate and to include, if we are to have an effective ban, both weapon components and their means of delivery. However, the present wording of the draft does not make that as clear as we would wish, and it leaves the impression that the prohibitions might leave a party the right to retain a retaliatory capability. That consideration in particular has to be examined in relation to chemicals capable of use for non-military as well as for military purposes, as was clearly brought out in the "mapping expedition" of the representative of Sweden (CCD/PV.457, para.57). In the context of capability, we shall need clarification from the co-sponsors of this draft convention of the exact relationship between the prohibitions envisaged in the draft convention and the reservation of many States, including both the Soviet Union and Canada, of the right to retaliate against non-party violators of the prohibitions of the Protocol or their allies.

31. That problem in turn leads us to the important question of assurances that may be devised that the prohibitions of the convention will be observed. There has been some discussion of this aspect of the draft of the socialist countries both here and at the twenty-fourth session of the General Assembly; and I would only add at this time that we are looking forward to receiving the proposals to which my colleague Mr. Natorf of Poland referred at our meeting on 24 February (CCD/PV.452, para.18).

(The Chairman, Canada)

32. Taking into account all the above, it would appear that we have more than adequate background and documentation to begin our labours. The question to which we need to give attention is what should be our objectives and how best we should move to attain them. In our view -- and the view of the Canadian delegation, I admit, is by no means an original one -- the ultimate objective should be to ban all use, production and stockpiling of both chemical and biological weapons, and our negotiations should begin by the identification of common areas of agreement and areas that will require more detailed study and examination because of differing views.

33. We welcome the recent announcements by President Nixon, and on that basis we hope that it will be relatively easy to reach agreement on the total prohibition of the development, production, stockpiling and any use of biological weapons and toxins. Concurrently we wish to devote our attention to the possibilities for the total prohibition of chemical weapons. In that regard we need to examine the particular problems that certain broad groupings of these weapons pose, as well as the lack of any sharp demarcation between these groupings because of differing effects in various conditions and in varying concentrations.

34. In the process of examining the range of chemical weapons, we must recall -- as did the representative of Sweden (CCD/PV.457, paras.38 et seq.) and of the United States (CCD/PV.458, paras.62-63) in their examination of the problem in some detail -- that some chemical agents are what might be called "dual purpose" and play an important commercial role, for which they are manufactured by virtually the same process as are the same agents for weapons purposes. That problem was also recognized, particularly in the context of verification, by the representative of the Soviet Union in his statement on 3 March, when he said:

> "Many representatives drew attention in this connexion to the special nature of chemical and bacteriological weapons, the production of which is closely and specifically linked to the production of chemical and bacteriological substances for peaceful purposes. For this reason verification in the form, for instance, of control posts, the dispatch of on-site inspection groups and so on would be simply impossible from the practical point of view since, as several representatives at the General Assembly pointed out, it would be necessary to have controllers in almost every laboratory." (CCD/PV.454, para.59)

(The Chairman, Canada)

Obviously there will be great difficulties in the way of a complete ban on the production of all these agents. Nevertheless, despite the verification difficulties, the Conference might usefully examine, as suggested by the representative of the Netherlands the other day (CCD/PV.458, paras.36-37), exactly what safeguards might be feasible.

35. There are yet other chemical agents which it will be necessary to continue to produce, primarily although not exclusively for civilian use in the maintenance of internal order. A total ban on those agents presents certain difficulties; but on the other hand such agents can probably be identified now with relatively little difficulty and any exclusion of them from a general ban can be correspondingly taken into account.

36. The problems of effective safeguards, particularly on the side of chemical weapons, are not simple, but we are inclined to think that a full-scale discussion of these problems might well await progress on reaching a consensus in dealing with the particular problems that I have noted concerning chemical agents. Nevertheless, a useful preliminary examination might be made of the five main methods for formal verification identified in part IV of the SIPRI report which the representative of Sweden has circulated. These are methods of (1) administrative and budgetary inspection, (2) a search through the existing literature, (3) aerial and satellite reconnaissance, (4) remote sensors, and (5) visiting inspection teams. In fact, the Canadian delegation would like to suggest that these problems I have just mentioned might be discussed at a technical level in an informal meeting or series of informal meetings attended by relevant experts. If this were the feeling of the Committee, our delegation for one would be prepared to bring an expert to Geneva and to participate in such a meeting or series of meetings.

37. Now, with the permission of my colleagues I should like to be allowed to read a statement of the Canadian position concerning chemical and biological warfare which I have been authorized by my Government to present to this Conference:

> "The Government of Canada intends to contribute fully to the efforts of the United Nations and of the Conference of the Committee on Disarmament to reduce and, if possible, eliminate the possibility of chemical and biological warfare. Canada intends to participate actively in negotiations towards an agreement or agreements which would supplement and strengthen the Geneva Protocol of 1925 by prohibiting the development, production and stockpiling of chemical and biological weapons. Practical progress need not wait until

(The Chairman, Canada)

the conclusion of these negotiations. The Protocol can be strengthened significantly through unilateral declarations of policy and intent on issues involved. For this purpose, the Government of Canada wishes to make known its attitude towards chemical and biological warfare.

"(1) Canada never has had and does not now possess any biological weapons (or toxins) and does not intend to develop, produce, acquire, stockpile or use such weapons at any time in the future.

"(2) Canada does not possess any chemical weapons and does not intend to develop, produce, acquire, stockpile or use such weapons at any time in the future unless these weapons should be used against the military forces or the civil population of Canada or its allies. The latter condition is in accordance with the reservations Canada entered at the time of our ratification of the Geneva Protocol of 1925. We could consider formally withdrawing our reservations if effective and verifiable agreements to destroy all stockpiles and prevent the development, production and acquisition of chemical weapons can be concluded.

"Tear gas and other crowd and riot control agents are not included in this present commitment because their use or the prohibition of their use in war presents practical problems in relation to the use of the same agents by police and armed forces for law enforcement purposes which require detailed study and resolution."

38. In concluding, I should like to make one comment about the research being conducted in Canada by the Department of National Defence, through its Defence Research Board, on chemical and biological defence. This has been halved during the last two years and is limited to the development of methods of protection against chemical and biological warfare, the development of protective clothing, equipment and methods for training troops to defend themselves. Research of this kind is entirely consistent with the Geneva Protocol of 1925 and with our current efforts to supplement and strengthen that Protocol. Indeed, in this latter context I am authorized to state that the Canadian Government has instructed that the Defence Research Board's research programme should include research towards resolving problems associated with the verification of any comprehensive ban on chemical and biological warfare that may be concluded.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 460th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador George Ignatieff, representative of Canada.

"Statements were made by the representatives of Japan and Canada.

"The next meeting of the Conference will be held on Thursday, 2 April 1970, at 10.30 a.m."

The meeting rose at 11.20 a.m.